IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.GIRI

MONDAY, THE 29TH OCTOBER 2007 / 7TH KARTHIKA 1929

WP(C).No. 20968 of 2007(U)

PETITIONER:

PATHUMMA K.K.,
KANNANKANDY,PERAMBRA P.O.,
KOZHIKODE DISTRICT.(RETIRED AS PMT LABOURER,
AGRICULTURAL (FARMS) DEPARTMENT,KOZHIKODE).

BY ADV. SRI.P.K.SURESH KUMAR
SMT.PRIYA VIJAYAN

RESPONDENTS:

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1. THE STATE OF KERALA, REPRESENTED BY ITS SECRETARY,DEPARTMENT OF AGRICULTURE, THIRUVANANTHAPURAM.

2. THE ACCOUNTANT GENERAL (A&E),KERALA THIRUVANANTHAPURAM.

3. THE PRINCIPAL AGRICULTURAL OFFICER, KOZHIKODE.

BY GOVERNMENT PLEADER SRI. BIJOY CHANDRAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 29/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

V.GIRI,J.

W.P (C) No. 20968 of 2007

Dated this the 29th October, 2007

J U D G M E N T

Petitioner was working as Permanent Labourer in Agricultural (Farms) Department, Kozhikode. According to the petitioner she was working as CLR worker from 1967 onwards and that she was appointed as permanent labourer in the State Seed Farm, Perambra with effect from 1.1.1991 as evidenced by Exhibit-P1. Higher Grade Scale consequent upon the completion of 30 years was sanctioned to her as per Exhibit-P2 order. She retired from service on 31.10.2006. Petitioner refers to Exhibit-P5 Government Order apparently clarifying that casual service period of farm labourers shall be counted for calculating qualifying service for pension. In spite of that according to the petitioner the entry in Service Book as CLR worker prior to her permanent absorption in service has not been taken into account in granting the pensionary benefits to the petitioner. She has brought her grievance before the 1st respondent by Exhibit-P6 produced along with I.A. No.10667/2007.

After having heard the learned counsel for the petitioner and the learned Government Pleader, this writ petition is disposed of directing the 1st respondent to look into Exhibit-P6 and take a decision thereon, in the light of Exhibit-P5 and also taking note of the fact that service rendered by the petitioner as CLR worker was counted for the purpose of sanctioning Higher Grade consequent upon the completion of 30 years of service. Decision in this regard shall be taken within three months from the date of receipt of a copy of this judgment. Once orders are passed, the 1st respondent shall forward the same to the Accountant General to pass orders for releasing pension and retirement benefits due and admissible to the petitioner.

(V.GIRI, JUDGE)

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K.THANKAPPAN,J

CRL.A. NO.92 OF 1999

ORDER

25th May, 2007